

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RE/MAX INTERNATIONAL, INC.,

Plaintiff,

v.

**TREND SETTER REALTY, LLC;
PAVNOUTY ABRAHAM; and
DEBORAH N. MILLER**

Defendants.

**CIVIL ACTION NUMBER
4:07-CV-02426**

DEFENDANTS' MOTION FOR CONTINUANCE

Defendants Trend Setter Realty, LLC ("TSR"), Pavnouty Abraham ("Abraham"), and Deborah Noble Miller ("Miller") file this Motion for Continuance would respectfully show the Court as follows:

1. Plaintiff RE/MAX International, Inc. ("RE/MAX") filed its Motion for Partial Summary Judgment on February 23, 2009.
2. As RE/MAX states in its Reply in Support of Its Motion for Partial Summary Judgment (Docket No. 49), Local Rules 7.3 and 7.4 require that Defendants' response was due on March 16, 2009.
3. Several weeks before Defendants response was due, Defendants contacted the mediator, Bill Raman, who previously attempted to mediate this case in an attempt to negotiate a settlement. Defendants proposed several settlement offers through Mr. Raman who indicated that RE/MAX was not opposed to a settlement. Mr. Raman informed the undersigned that RE/MAX's counsel would get back to him regarding those offers but the undersigned never received a response. Mr. Raman and the undersigned corresponded several times regarding the lack of response from RE/MAX. Each time, Mr. Raman indicated that RE/MAX's counsel would get in touch with the undersigned regarding the proposed settlement.

4. On March 19, 2009, Mr. Raman emailed the undersigned informing him that he had still not heard from RE/MAX. That same afternoon, the undersigned contacted Gayle Strong, one of RE/MAX's counsels and asked about the status of negotiations on March 19, 2008.

5. It was at that time that Ms. Strong indicated that RE/MAX was not interested in any of the proposals made by Defendants. It would seem that Ms. Strong did not inform Mr. Raman of this fact leading Defendants to delay expending the time and expense of preparing a reply to RE/MAX's motion. Had RE/MAX simply informed Mr. Raman weeks ago that they were not interested in the settlement proposals offered by Defendants the parties could have discussed other proposals and/or Defendants could have simply filed a response.

6. During the same conversation with Ms. Gayle, she proposed a possible method of settlement which the undersigned as discussed with Defendants. The undersigned began drafting a response to RE/MAX's motion while Defendants are ascertaining whether such a proposal is feasible.

7. In the mean time, RE/MAX has filed its Reply in Support of Its Motion for Partial Summary Judgment (Docket No. 49) asking the Court to rule on its motion because of Defendants failure to reply.

8. For the reasons set forth above, Defendants would respectfully request a continuance to allow them to file a reply to RE/MAX's motion which will be filed no later than end of business day March 27, 2009. This motion is not being sought for delay but only so that justice be done.

For the foregoing reasons, Defendants respectfully request a continuance to allow them to file a response to Plaintiff's Motion.

(signature page follows)

Respectfully submitted,

MAYUR M. PATEL, P.C.

Date: March 23, 2008

/s/ Mayur M. Patel

Mayur M. Patel

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ATTORNEY FOR DEFENDANTS

STATE OF TEXAS

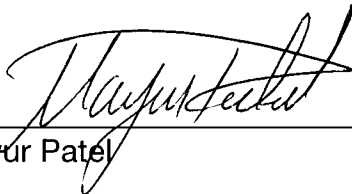
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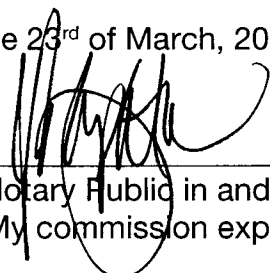
Before me the undersigned authority, on this day personally appeared Mayur Patel, a person whose identity is know to me. After I administered an oath to him, upon his oath, he said he has read the foregoing and that the facts stated therein are within his/her personal knowledge and are true and correct.



Mayur Patel

Sworn to and subscribed before me on the 23rd of March, 2009.





Notary Public in and for the State of Texas
My commission expires: 1/1/09

Certificate of Service

I hereby certify that on March 23, 2009, a true and correct copy of the foregoing Plaintiff's Motion for Partial Summary Judgment was electronically filed using the Court's ECF service which will serve it on all registered attorneys of record.

/s/ Mayur M. Patel

Mayur M. Patel